

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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RONALD PATRICK,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 17-922V

Special Master Christian J. Moran

Filed: July 27, 2018

Damages; decision based on proffer;
influenza (“flu”) vaccination;
Guillain-Barre syndrome.

Diana Lynn Stadelnikas, Maglio Christopher and Toale, PA, Sarasota, FL, for
Petitioner;

Daniel Anthony Principato, U.S. Department of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION AWARDED DAMAGES¹

On July 10, 2017, Ronald Patrick filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that an influenza vaccination, administered on September 1, 2015, caused him to suffer Guillain-Barre syndrome (GBS). On April 10, 2018, the undersigned ruled, based upon respondent’s concession, see Respondent’s Report, filed April 2, 2018, that petitioners are entitled to compensation under the Vaccine Act.

On July 23, 2018, respondent filed a Proffer on Award of Compensation, to which petitioner agrees. Based upon the record as a whole, the special master

¹ The E-Government Act, 44 § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer the court awards petitioner:

A lump sum payment of \$231,335.88 comprised of \$195,000.00 for past and future pain and suffering and \$36,335.88 in unreimbursable expenses) in the form of a check payable to petitioner, Ronald Patrick. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 17-922V according to this decision and the attached proffer.²

Any questions may be directed to my law clerk, Matthew Ginther, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

A. Petitioner's Damages

A lump sum payment of \$231,335.88 (comprised of \$195,000.00 for past and future pain and suffering and \$36,335.88 in unreimbursable expenses) in the form of a check payable to petitioner, Ronald Patrick.

B. Guardianship

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

C. SALVATORE D'ALESSIO
Acting Director
Torts Branch, Civil Division

CATHARINE E. REEVES
Deputy Director
Torts Branch, Civil Division

ALEXIS B. BABCOCK
Assistant Director
Torts Branch, Civil Division

/s/ Daniel A. Principato
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Dated: July 23, 2018